IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 21261 of 2005(F)

PETITIONER:

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1. E.V.RADHAKRISHNAN, MAHOUT,
   ELEPHANT TRAINING CENTRE,
   KODANAD, ERNAKULAM DISTRICT.

2. T.P.SASI, MAHOUT,
   ELEPHANT TRAINING CENTRE,
   KODANAD, ERNAKULAM DISTRICT.

3. P.K.AYYAPPAN, MAHOUT,
   ELEPHANT TRAINING CENTRE,
   KODANAD, ERNAKULAM DISTRICT.

BY ADV. SRI.K.JAJU BABU

RESPONDENTS:

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1. THE RANGE OFFICER,
   FOREST DEPARTMENT, KODANADU,
   ERNAKULAM DISTRICT.

2. THE DIVISIONAL FOREST OFFICER,
   FOREST DEPARTMENT, MALAYATTUR.

3. THE CHIEF CONSERVATOR OF FORESTS
   (WILD LIFE), TRIVANDURM.

4. STATE OF KERALA, REPRESENTED BY
   SECRETARY TO GOVERNMENT,
   FOREST & WILD LIFE DEPARTMENT,
   SECRETARIAT, TRIVANDRUM.

BY SMT.K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C)No.21261/2005

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. TRUE COPY OF CERTIFICATE ISSUED BY THE 1ST RESPONDENT TO THE 1ST PETITIONER ON 25-10-93.

EXT.P2. TRUE COPY OF CERTIFICATE ISSUED BY THE 1ST RESPONDENT TO THE 1ST PETITIONER ON 14-11-96

EXT.P3. TRUE COPY OF EXPERIENCE CERTIFICATE OF THE 2ND PETITIONER ISSUED BY THE 1ST RESPONDENT DT. 22-4-89

EXT.P4. TRUE COPY OF APPLICATION SUBMITTED BY THE 3RD PETITIOENR BEFORE THE 3RD RESPONDENT DATED 25-11-1995.

EXT.P5. TRUE COPY OF NEWS REPORT APPEARED IN MALAYALA MANORAMA DAILY DATED 28-9-91

EXT.P6. TRUE COPY OF NEWS REPORT APPEARED IN MALAYALA MANORAMA DAILY DATED 30-7-1992.

EXT.P7. TRUE COPY OF NEWS REPORT APPEARED IN MATHRUBHUMI DAILY DATED 17-10-1995

EXT.P8. TRUE COPY OF JUDGMENT DATED 14-6-2000 IN O.P.16633/2000 OF THIS HON'BLE COURT.

EXT.P9. TRUE COPY OF NOTICE DATED 20-6-2000 SENT ON BEHALF OF THE PETITIONERS BY THIR COUNSEL TO THE RESPONDENTS 3 AND 4.

EXT.P10. TRUE COPY OF NOTICE DATED 11-10-2000 SENT ON BEHALF OF PETITIONERS BY their COUNSEL TO RESPONDENTS 3 AND 4.

EXT.P11. TRUE COPY OF NOTICE DATED 16-6-2005 ON BEHALF OF PETITIONERS BY THEIR COUNSEL TO THE RESPONDENT NO.4.

/ TRUE COPY /

P.S.TO JUDGE

KURIAN JOSEPH, J.

W.P(C)No.21261 of 2005

Dated this the 10th day of August, 2007

JUDGMENT

The writ petition is filed with the following prayers:-

> i) Issue a writ of mandamus or other appropriate writ, order or direction, directing the respondents to regularise the services of the petitioners as Mahouts forthwith.
>
> ii) direct the respondents to permit the petitioners to continue as Mahouts in preference to their juniors appointed subsequent to their initial engagement.

It is seen that this court has considered the issue on an earlier occasion leading to Ext.P8 judgment dated 14-6-2000 in O.P.No.16633/2000. This court in the said judgment fixed a period of two months. The learned counsel for the petitioners submits that so far, despite proposal for regularisation, no action has been taken in the matter. There is no counter affidavit despite the pendency of the writ petition for the last more than two years. The writ petition is hence disposed of making it clear that in case no orders are passed in the matter of regularisation as per the direction of this court in Ext.P8 judgment before 29th September 2007, the petitioners shall be deemed to have been regularised as proposed by the second respondent.

(KURIAN JOSEPH, JUDGE)

ahg.